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SECOND SUBSTITUTE HOUSE BILL 2817

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State of Washington                      60th Legislature                      2008 Regular Session

By House Transportation (originally sponsored by Representatives Campbell, Green, Morrell, Hudgins, and McCune)

READ FIRST TIME 02/12/08.

1            AN ACT Relating to motor vehicles, vehicles, and vessels  
2 contaminated with methamphetamines; amending RCW 64.44.050; adding a  
3 new section to chapter 64.44 RCW; adding a new section to chapter 46.55  
4 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 64.44.050 and 2006 c 339 s 205 are each amended to  
7 read as follows:

8            (1) An owner of contaminated property who desires to have the  
9 property decontaminated, demolished, or disposed of shall use the  
10 services of an authorized contractor unless otherwise authorized by the  
11 local health officer. The contractor and property owner shall prepare  
12 and submit a written work plan for decontamination, demolition, or  
13 disposal to the local health officer. The local health officer may  
14 charge a reasonable fee for review of the work plan. If the work plan  
15 is approved and the decontamination, demolition, or disposal is  
16 completed and the property is retested according to the plan and  
17 properly documented, then the health officer shall allow reuse of the  
18 property. A release for reuse document shall be recorded in the real  
19 property records indicating the property has been decontaminated,

1 demolished, or disposed of in accordance with rules of the state  
2 department of health. The property owner is responsible for: (a) The  
3 costs of any property testing which may be required to demonstrate the  
4 presence or absence of hazardous chemicals; and (b) the costs of the  
5 property's decontamination, demolition, and disposal expenses, as well  
6 as costs incurred by the local health officer resulting from the  
7 enforcement of this chapter.

8 (2)(a) In a case where the contaminated property is a motor vehicle  
9 as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or  
10 a vessel as defined in RCW 88.02.010, and methamphetamine or any of its  
11 salts, isomers, and salts of isomers were found inside, and the local  
12 health officer has issued an order declaring the property unfit and  
13 prohibiting its use, the city or county in which the property is  
14 located shall take action to prohibit use, occupancy, or removal, and  
15 shall require demolition, disposal, or decontamination of the property.  
16 The city, county, or local law enforcement agency may impound the  
17 vehicle to enforce this chapter. The owner of the property shall have  
18 the property demolished, disposed of, or decontaminated by an  
19 authorized contractor, or under a written work plan approved by the  
20 local health officer, within thirty days of receiving the order  
21 declaring the property unfit, and prohibited from use. After all  
22 procedures granting the right of notice and the opportunity to appeal  
23 in RCW 64.44.030 have been exhausted, if the property owner has not  
24 demolished, disposed of, or decontaminated the property pursuant to a  
25 written work plan approved by the local health officer within thirty  
26 days, then the local health officer or the local law enforcement agency  
27 may demolish, dispose of, or decontaminate the property.

28 (b) The property owner is responsible for the costs of the  
29 property's demolition, disposal, or decontamination, as well as all  
30 costs incurred by the local health officer or the local law enforcement  
31 agency resulting from the enforcement of this chapter, except if the  
32 property has been stolen, the property owner is not responsible for the  
33 costs. If the property owner is insured, the property owner must  
34 submit a claim to his or her insurer for reimbursement of costs of the  
35 property's demolition, disposal, or decontamination, as well as all  
36 costs incurred by the local health officer or the local law enforcement  
37 agency resulting from the enforcement of this chapter. However, when  
38 the local health officer or the local law enforcement agency are

1 required to demolish, dispose of, or decontaminate the property, and  
2 have incurred costs to do so, all right to title to that property shall  
3 be transferred to the local health officer or the local law enforcement  
4 agency.

5 (3) Except as provided in subsection (2) of this section, the local  
6 health officer has thirty days from the issuance of an order declaring  
7 a property unfit and prohibiting its use to establish a reasonable  
8 timeline for decontamination. The department of health shall establish  
9 the factors to be considered by the local health officer in  
10 establishing the appropriate amount of time.

11 The local health officer shall notify the property owner of the  
12 proposed time frame by United States mail to the last known address.  
13 Notice shall be postmarked no later than the thirtieth day from the  
14 issuance of the order. The property owner may request a modification  
15 of the time frame by submitting a letter identifying the circumstances  
16 which justify such an extension to the local health officer within  
17 thirty-five days of the date of the postmark on the notification  
18 regardless of when received.

19 NEW SECTION. Sec. 2. A new section is added to chapter 64.44 RCW  
20 to read as follows:

21 (1) It shall be unlawful for any person to advertise for sale or to  
22 sell a motor vehicle as defined in RCW 46.04.320, a vehicle as defined  
23 in RCW 46.04.670, or a vessel as defined in RCW 88.02.010 that has been  
24 declared unfit and prohibited from use under this chapter if the person  
25 has knowledge that the vehicle or vessel has been found to be  
26 contaminated with methamphetamine or any of its salts, isomers, and  
27 salts of isomers.

28 (2) The Washington state department of licensing shall take action  
29 to place notification on the title of any motor vehicle as defined in  
30 RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or a vessel as  
31 defined in RCW 88.02.010, that the vehicle or vessel has been declared  
32 unfit and prohibited from use by order of the local health officer  
33 under this chapter. When satisfactory decontamination has been  
34 completed and the contaminated property has been retested according to  
35 the written work plan approved by the local health officer, a release  
36 for reuse document shall be issued by the local health officer, and the

1 department shall place notification on the title of that vehicle or  
2 vessel as having been decontaminated and released for reuse.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.55 RCW  
4 to read as follows:

5 An impound under RCW 64.44.050 shall not be considered an impound  
6 under this chapter. A tow operator who contracts with a law  
7 enforcement agency for transporting a vehicle impounded under RCW  
8 64.44.050 shall only remove the vehicle to a secure public facility,  
9 and not be required to store or dispose of the vehicle. The vehicle  
10 shall remain in the care, custody, and control of the law enforcement  
11 agency to be demolished, disposed of, or decontaminated as under RCW  
12 64.44.050. The law enforcement agency shall pay for all costs incurred  
13 as a result of the towing if the vehicle owner does not pay within  
14 thirty days. The law enforcement agency may seek reimbursement from  
15 the owner.

16 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this  
17 act, referencing this act by bill or chapter number, is not provided by  
18 June 30, 2008, in the omnibus appropriations act, this act is null and  
19 void.

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